## JUL 1 9 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| First lamed Inventor: | S. Kasriel  |                 |                 |
|-----------------------|---|-----------------|-----------------|
| Serial No.:           | 09/888,374  | Examiner:       | Kevin Verbrugge |
| Filed:                | June 22, 2001                                       | Group Art Unit: | 2151            |
| Docket:               | D33-017-01-US                                       | Customer No.    | 22,854          |
| Title:                | Content Delivery Network Using Differential Caching |                 |                 |

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria. VA 22313-1450

Dear Sir or Madam:

Pursuant to 37 CFR §§ 1.97 and 1.98, Applicant in the above-identified application submits this Information Disclosure Statement, together with form(s) PTO/SB08/A and/or B enclosed herewith, to bring to the Examiner's attention documents of which Applicant is aware.

Applicant, by submitting the listed documents, does not represent any of the documents to be prior art to this application, and expressly reserves the right, under 37 CFR § 1.131, to establish otherwise. Applicant does not represent the listed documents to be material to the examination of the application, but has cited same to make it clear beyond all doubt that Applicant has complied with the Duty of Disclosure. Furthermore, this disclosure statement is not to be construed as a representation that a search has been conducted by Applicant or that no other material information exists. Copies of all foreign publications and/or non-U.S. patent documents, if any, are enclosed herewith.

# I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Lise' D. Rediske Signature Date 14 - July 2055

Applicant requests that this submission be considered under 37 CFR 1.97(c), as it is being filed after the mailing date of a first office action on the merits, but prior to the mailing date of a final action or notice of allowance. As such, either (i) a statement under 37 CFR 1.97(e)(2) is provided below; or (ii) a fee a required under 37 CFR 1.17(p) is enclosed.

## STATEMENT UNDER 37 CFR 1.97(e)(2)

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign applications, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

## **REMARKS**

Applicant requests that these documents be considered by the examiner and made of record in the present application under 37 CFR § 1.104.

Respectfully submitted,

DIGITAL RIVER, INC. By its attorneys/agents

MOORE, HANSEN & SUMNER, PLLP 225 South Sixth Street **Suite 4850** Minneapolis, Minnesota 55402 (612) 332-8200

Date: 14 July 2005

Shawn B. Dempster, Registration No. 34,321

Approved for use through 07/31/2006. OMB 0651-0031

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| Complete if Known      |                 |  |  |  |
|------------------------|-----------------|--|--|--|
| Application Number     | 09/888,374      |  |  |  |
| Filing Date            | June 22, 2001   |  |  |  |
| First Named Inventor   | S. Kasriel      |  |  |  |
| Art Unit               | 2151            |  |  |  |
| Examiner Name          | Kevin Verbrugge |  |  |  |
| Attorney Docket Number | D33-017-01-US   |  |  |  |

|                       |              |   | U.S. PATENT                    | DOCUMENTS  |   |
|-----------------------|--------------|---|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No.1 | Document Number  Number - Kind Code <sup>2 (if known)</sup> | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |              | US-6,138,251  | 10-2000                        | Murphy et al.                                      |   |
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|                    |              | FOREIGI   | N PATENT DOCU                  | IMENTS   |   |         |
|--------------------|--------------|---|--------------------------------|--|---|---------|
| Examiner Initials* | Cite<br>No.1 | Foreign Patent Document  Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> ) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T⁵      |
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| Examiner  | Date       |  |
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Translation is attached.

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PTO/SB/08b (08-03)

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| V & Tru | www.substit | tute for form 1449B/PTO          |              |                |                                    | Complete if Known   |
| T.T.A   |             |                                  |              |                | Application Number                 | 09/888,374  |
|         | INF         | ORMATION DIS                     | CLOS         | URE            | Filing Date                        | June 22, 2001   |
|         | ST          | ATEMENT BY A                     | PPLIC        | ANT            | First Named Inventor               | S. Kasriel  |
| •       |             |                                  |              |                | Art Unit                           | 2151  |
|         |             | (Use as many sheets as ne        | ecessary)    |                | Examiner Name                      | Kevin Verbrugge   |
| ,       | Sheet       | 2                                | of           | 2              | Attorney Docket Number             | D33-017-01-US   |

|                    |             | NON PATENT LITERATURE DOCUMENTS   |                |
|--------------------|-------------|---|----------------|
| Examiner Initials* | Cite<br>No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                    |             | Marshall Brian, How Suff Works, "How Web Servers and the Internet Work," obtained at Internet address http://www.howstuffworks.com/web-server.htm   |                |
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